

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO.462 OF 2006

Frontier Drilling ASA

...Petitioners

v/s

Jagson International Ltd.

...Respondents

Mr V.K. Rambhadran for Petitioners.
Mr Janak Dwarkadas with Mr Gautam Ankhad i/b M/s
Ashwin Ankhad and Associates for Respondents.

CORAM : D.K. DESHMUKH J.
DATE : 18TH DECEMBER 2006.

P.C.

:-

1. This is a petition filed under sections 44, 46 and 49 of the Arbitration and Conciliation Act 1996 for enforcement of foreign award. Admittedly, this petition has been served on the respondents. It was admitted and placed for final hearing. Perusal of provisions of section 48 shows that when a petition is filed for enforcement of foreign award, the Court can refuse to enforce the award only at the request of the party against whom it is invoked. The request to the Court not to enforce the award can be obviously made by the party by filing a reply. No reply has been filed. The only excuse that has been given for not filing the reply is that the parties were negotiating for settlement. That the negotiations for settlement in the matter were going on can never be a reason for not filing the reply. In the absence of the request made to the Court by the respondents not to enforce the award, in terms of provisions of section 48 of the said Act, the award has to be enforced. Petition is granted in terms of prayer clause (a). The learned counsel appearing for petitioners submits that he wants to amend the prayer clause to seek attachment of the property of the respondents. Leave to amend the petition is granted.

. Parties to act on the copy of this order duly
authenticated by the Associate / Private Secretary as
true copy.

. Certified copy expedited.
